

## **REMARKS**

### ***Generally***

Claims 1, 2, and 4-32 remain pending in the present application. In this Response, claims 1, 2, 4, 5, 8-28, 30, and 31 have been amended for clarity and claim 3 has been cancelled. Exemplary support for the claim amendments can be found throughout the specification and claims as originally filed.

Applicants respectfully request the Examiner to reconsider and withdraw the outstanding rejections in view of the foregoing amendments and the following remarks.

### ***Claim Objections***

Claims 5-11 and 13-32 have been objected to as allegedly being in improper form because a multiple dependent claim cannot depend from other multiple dependent claims. Claim 16 has been objected to because it recites formulas with that include the symbol Z whereas the specification includes formulas that include the symbol Z' instead of Z. Applicants respectfully submit that the claims have been amended to remove multiple dependencies and claim 16 has been amended to replace "Z" with "Z'". Thus, the objections to the claims should be withdrawn.

### ***Rejections under 35 U.S.C. § 112***

Claims 1-2, 4, and 12 have been rejected under 35 U.S.C. 112, second paragraph as allegedly indefinite. The Examiner details various lack of clarity issues at pages 4-5 of the Office Action. Applicants respectfully submit that without conceding the propriety of the objections, the claims have been amended for clarity generally and to address various lack of clarity issues raised by the Examiner at pages 4-5 of the Office Action. In light of at least the foregoing, Applicants respectfully submit that the rejection should be withdrawn.

### ***Rejection under 35 U.S.C. § 103***

Claims 1-2, 4, and 12 have been rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 6,875,516 (hereinafter "Benayoun"). The rejection is respectfully traversed.

The Office has the initial burden of establishing a factual basis to support the legal conclusion of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444

(Fed. Cir. 1992). For rejections under 35 U.S.C. § 103(a) based upon a combination of prior art elements, in *KSR Int'l v. Teleflex Inc.*, 127 S.Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007), the Supreme Court stated that a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006).

Amended independent claim 1 recites a silicone composition comprising, *inter alia*, the catalytic complex -C- obtained by reacting together -C1- and -C2-, wherein -C1 is an iridium complex of formula (I):



wherein *n is 2*.

In contrast, Benayoun discusses an iridium containing catalyst -C- which has only one iridium atom. While in Table II of Benayoun the complex  $[\text{IrCl}(\text{Cyclooctene})_2]_2$  is mentioned, Applicants respectfully submit that Benayoun does not disclose or suggest the combination of using two iridium atoms and the presently recited ligands. Applicants respectfully submit that as shown in Counter Example 1 at page 27 of the present patent specification, the lack of the presently recited ligands results in unsuitable results in terms of crosslinking at room temperature. Applicants respectfully submit that in Benayoun it was stated that the crosslinking with  $[\text{IrCl}(\text{Cyclooctene})_2]_2$  needs a time >2 hours. Applicants respectfully submit that reproduction of the test in Counter Example 1 showed that the time is indeed >2 hours and after 6 hours at room temperature Applicants did not find suitable crosslinking as it is needed to heat to 80°C to get crosslinking. Applicants respectfully submit that this is shown in the comparative test that the presently recited catalyst shows surprisingly good results at room temperature in terms of crosslinking. Applicants respectfully submit that this is an advantage as it is not necessary to heat to 80°C for crosslinking to occur. Applicants respectfully submit that one of ordinary skill in the art would not know the impact of adding a suitable ligand such as presently recited so that desirable results are achieved as shown in the examples where crosslinking at ambient temperature is possible which is not the case for the complex described by Benayoun.

In light of at least the foregoing, Applicants respectfully submit that the rejection should be withdrawn.

***Conclusion***

Applicants invite the Examiner to contact Applicants' representative at the telephone number listed below if any issues remain in this matter, or if a discussion regarding any portion of the application is desired by the Examiner.


In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to our Deposit Account No. 02-4800.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By:   
Shruti S. Costales  
Registration No. 56,333

**Customer No. 21839**  
P.O. Box 1404  
Alexandria, VA 22313-1404  
(703) 836-6620